

Message Text

CONFIDENTIAL

PAGE 01 STATE 013271
ORIGIN EUR-12

INFO OCT-01 ISO-00 L-03 OES-06 INT-05 EB-07 COME-00
CIAE-00 INR-07 NSAE-00 INRE-00 /041 R

DRAFTED BY EUR/CAN:JHROUSE,JR.:CLJ
APPROVED BY L-MR. MFELDMAN
OES/OFA-MR. BUSBY

-----200138Z 105741 /20

O 200027Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA IMMEDIATE

C O N F I D E N T I A L STATE 013271

FOR THE AMBASSADOR

E.O. 11652:GDS

TAGS: SENV, PBOR, EFIS, CA

SUBJECT: MARITIME BOUNDARY AND FISHERY NEGOTIATIONS
REF: OTTAWA 200

1. YOUR EFFORTS TO REDUCE TO SPECIFIC AGREEMENT THE ELEMENTS FOR PROCEEDING WITH OUR BOUNDARY AND RESOURCE NEGOTIATIONS, AS REFLECTED IN THE DRAFT "AGREED POINTS" CONTAINED REFTEL, HAVE MADE SIGNIFICANT PROGRESS. IN GENERAL, DEPARTMENT FINDS YOUR DRAFT TEXT ACCEPTABLE AND VERY HELPFUL. SPECIFIC COMMENTS ON DRAFT ARE SET OUT PARA 4 BELOW.

2. THE QUESTIONS THAT MUST NOW BE ADDRESSED ARE HOW TO FORMALIZE THE AREAS OF AGREEMENT YOU HAVE DEFINED, WHETHER THE DOCUMENT WILL BE PUBLIC OR CONFIDENTIAL, AND HOW TO FACTOR IN CONSULTATIONS WITH CONGRESS AND AFFECTED INTERESTS ON A COMMITMENT TO THIRD-PARTY SETTLEMENT. FYI--
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 013271

YOU SHOULD BE AWARE THAT THE ULTIMATE AGREEMENT ON SUBMISSION TO THIRD-PARTY SETTLEMENT WOULD PROBABLY REQUIRE THE ADVICE AND CONSENT OF THE SENATE. IN THIS CASE THE EXECUTIVE BRANCH WOULD NOT HAVE AUTHORITY TO MAKE A FIRM COMMITMENT WHICH IS NOT SUBJECT TO CONSTITUTIONAL PROCEDURES. WE WILL HAVE TO DETERMINE WHETHER WE REGARD THE "AGREED POINTS" YOU ARE NEGOTIATING AS A LEGAL DOCUMENT WHICH WILL HAVE TO

BE SUBMITTED TO CONGRESS UNDER THE CASE ACT. WE DO NOT WANT TO RAISE THESE LEGAL POINTS WITH GOC AT THIS POINT. FOR THIS REASON WE HAVE SUGGESTED QUALIFYING LANGUAGE BELOW FOR ADDITION TO PARA (4) OF DRAFT TEXT. IN SUGGESTING THIS LANGUAGE YOU SHOULD SAY ONLY THAT WE BELIEVE QUALIFICATION IS NECESSARY IN THE EVENT THAT WE REACH AGREEMENT THAT WILL REQUIRE LEGISLATIVE ACTION ON ONE SIDE OR THE OTHER--END FYI.

3. RE QUESTION OF CONFIDENTIALITY, WE WISH YOU TO EXPLORE WITH CANADIANS POSSIBILITY OF MAKING THESE UNDERSTANDINGS PUBLIC AT AN APPROPRIATE TIME. FYI--WE TEND TO FAVOR THIS APPROACH BUT HAVE NOT YET REACHED FIRM POSITION--END FYI.

4. SPECIFIC COMMENTS ON DRAFT AND RESPONSES TO YOUR REQUEST FOR CLARIFICATION FOLLOW:

-- PARA (1) ACCEPTABLE AS IS.

-- PARA (2) WE AGREE WITH YOUR SUGGESTION TO ACCEPT PHRASEOLOGY INCLUDED IF DOCUMENT OTHERWISE SATISFACTORY; REMAINDER OF PARA ACCEPTABLE.

-- CONCUR PARA (3), AND COULD ACCEPT SUBSTITUTE PHRASE FOR "DISCLAIMER" SUCH AS "A NON-PREJUDICE CLAUSE" (PARA 6 REFTEL).

-- CONCUR PARA (4) WITH ADDITION OF FOLLOWING PHRASE AT CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 013271

THE END OF THE SENTENCE: "IN ACCORDANCE WITH THE CONSTITUTIONAL PROCESSES OF THE TWO COUNTRIES". (SEE PARA 2 ABOVE).

-- DELETE PARA (5). WE BELIEVE SERIOUS SUBSTANTIVE NEGOTIATION EFFORT MUST BE CARRIED OUT BEFORE WE CONSIDER TERMS OF ADJUDICATION IN ANTICIPATION OF FAILURE OF SUBSTANTIVE TALKS. THUS WE BELIEVE TIMING ON BOUNDARY TALKS SHOULD BE GOVERNED BY PARA (7) OF DRAFT.

-- PARA (6), LANGUAGE PROPOSED IS ACCEPTABLE AS IS. ALTHOUGH WE DO NOT THINK IT IS NECESSARY, WE COULD ALSO ACCEPT INCLUSION OF "IN CONJUNCTION" CONCEPT AS DISCUSSED PARA 8 REFTEL IF GOC INSISTS.

-- CONCUR IN PARA (7).

-- RE PARA (8) WE CAN ACCEPT FORMALIZATION "COOPERATIVE ARRANGEMENTS", BUT COULD NOT CONCUR IN ANY RE-PHRASING WHICH MIGHT RELATE THIS TERM MORE SPECIFICALLY TO MANAGE-

MENT.
KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INSTRUCTIONS, POLICIES, FISHING AGREEMENTS, FISHING LIMITS
Control Number: n/a
Copy: SINGLE
Sent Date: 20-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE013271
Document Source: CORE
Document Unique ID: 00
Drafter: JHROUSE,JR.:CLJ
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770020-0875
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770132/aaaabcbu.tel
Line Count: 118
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 19e107d4-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 OTTAWA 200
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3546303
Secure: OPEN
Status: NATIVE
Subject: MARITIME BOUNDARY AND FISHERY NEGOTIATIONS
TAGS: SENV, PBOR, EFIS, CA, US
To: OTTAWA
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/19e107d4-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009